

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Christopher Eugene Thomas,

Petitioner,

v.

Ryan Thornell, et al.,

Respondents.

No. CV-23-00385-TUC-RM

ORDER

On August 15, 2024, Magistrate Judge Michael A. Ambri issued a Report and Recommendation (Doc. 24), recommending that this Court dismiss Petitioner Christopher Eugene Thomas's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), and deny Petitioner's Motion to Amend (Doc. 20) and Motion for Evidentiary Hearing (Doc. 22). No objections to the Report and Recommendation were filed.

A district judge must "make a de novo determination of those portions" of a magistrate judge's "report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). The advisory committee's notes to Rule 72(b) of the Federal Rules of Civil Procedure state that, "[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation" of a magistrate judge. Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition. *See also Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) ("If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error."); *Prior v. Ryan*,

1 CV 10-225-TUC-RCC, 2012 WL 1344286, at *1 (D. Ariz. Apr. 18, 2012) (reviewing for
2 clear error unobjected-to portions of Report and Recommendation).


3 The Court has reviewed Magistrate Judge Ambri's Report and Recommendation,
4 the parties' briefs, and the record. The Court finds no clear error in Magistrate Judge
5 Ambri's Report and Recommendation. Accordingly,

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Ambri's Report and Recommendation (Doc. 24) is
8 **accepted and adopted in full.**
- 9 2. Petitioner's Motion to Amend (Doc. 20) is **denied.**
- 10 3. Petitioner's Motion for Evidentiary Hearing (Doc. 22) is **denied.**
- 11 4. The Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc.
12 1) is **dismissed** as time-barred and/or non-cognizable. The Clerk of Court
13 is directed to enter judgment accordingly and close this case.
- 14 5. Pursuant to Rule 11 of the Rules Governing Section 2254 Cases, the Court
15 declines to issue a certificate of appealability, because reasonable jurists
16 would not find the Court's ruling debatable. *See Slack v. McDaniel*, 529
17 U.S. 473, 478, 484 (2000).

18 Dated this 30th day of September, 2024.

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Honorable Rosemary Márquez
United States District Judge